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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 NATHEN W. BARTON,

11 Plaintiff,

12 v.

13 JOE DELFGAUW et al.,

14 Defendant.
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CASE NO. 3:21-cv-05610-DGE


ORDER ON DISCOVERY
DISPUTE AND CALENDARING
MOTIONS

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17 The Court reviewed the Parties' Joint Discovery Dispute. (Dkt. No. 489.) The Court
18 concludes that on balance, Defendant's responses to Plaintiff's interrogatories are sufficiently
19 responsive, and ordering additional responses would only be dilatory at this stage. However,
20 Defendant's signature fails to comply with Federal Rule of Civil Procedure 33(b)(3), which
21 requires that answers to interrogatories must be produced "under oath." The response is not
22 signed under penalty of perjury and only attests that Defendant answered "to the best of my
23 knowledge." (Dkt. No. 489-1 at 8.) *See Deseret Mgmt. Corp. v. United States*, 75 Fed. Cl. 571,
24 573 (2007) (holding that phrase "to the best of my knowledge" negated oath). Accordingly,

1 Defendant shall promptly re-produce his interrogatory responses with an attestation under oath
2 that complies with Rule 33.

3 The renewed discovery in this matter is now closed. Any dispositive motions must be
4 filed by July 14, 2025. Any responses are due July 28, 2025. The Clerk shall calendar this
5 event.

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7 Dated this 24th day of June, 2025.

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10 David G. Estudillo
11 United States District Judge
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